

CODE VIOLATION NOTICES (CVNs) as an ENFORCEMENT DEVICE

What are Code Violation Notices (CVNs) ?

Code Violation Notices (CVNs) are issued by various City Departments and agencies to notify responsible parties that they are not in compliance with a requirement of the Philadelphia Code of Ordinances. Pre-printed pre-numbered CVNs look similar to parking tickets, and record the date, time, location and nature of the violation of the Code infraction. The Streets Department also uses a hand-held electronic issuance device which captures all the same information, and prints out a record of the violation. CVNs require a payment of varying amounts from \$25 to \$150, which must be remitted promptly in order to avoid penalties and further legal action.

How and when are CVNs used ?

CVNs are used by inspectors and officers (primarily Police, Streets, Health, and L&I) when a condition which is a violation of the Philadelphia Code is observed or reported. Participating departments have determined, in advance, which infractions are suitable for CVN issuance. Generally, these conditions are “discrete” in nature and are considered a “nuisance” (as opposed to an extreme threat to health and safety). Collectively, these circumstances contribute substantially to the quality of life in a neighborhood.

What happens if a CVN is paid in full ?

When a CVN is paid in full, the City ceases further action or sanctions on that violation. Payment of the CVN is considered compliance. Payment of the ticket amount works as a deterrent to future violations. If the underlying violation has not been cured, additional CVNs can be written seeking additional payments.

What happens if a CVN is not paid ?

If a CVN remains unpaid, penalty charges are added. The initial penalty is \$25 and the 2nd penalty is \$15. Notices are sent to collect the higher charges. Failure to pay can result in the filing of a Code Enforcement Complaint in Municipal Court where the City seeks a court imposed fine and a money judgment of \$300 per violation.

How does one dispute the issuance of a CVN ?

Hearing Examiners at the Office of Administrative Review (OAR), 100 S Broad Street, 4th floor are available to conduct a hearing on a disputed CVN. At present, attendance at a hearing is voluntary and the decision is non-binding. Hearings are scheduled three weeks or more in advance, and are listed Monday through Friday 9:30 AM to 3:30 PM.

How does one appeal the decision of an OAR Hearing Examiner ?

Since OAR hearings are voluntary and non-binding, the violator is not required to file an appeal. Failure to pay the required amount will result in the filing of a Code Enforcement Complaint (CEC) in Municipal Court. An offer to settle accompanies all CECs, payment of which eliminates the need for an appearance in Court. If the offer to settle is not accepted, the case is presented to a Municipal Court judge.

Code Violation Notice (CVN) Process

1. Violation observed or reported
2. Code Violation Notice executed by authorized enforcement agent
 - a. Hand delivered at time of occurrence or mailed
 - b. CVN amount must be paid 10 days from delivery or mail date
3. CVN posted to data base
 - a. Owner letter generated for violations for which property owner or business owner is responsible
 - b. Parent letter generated for violations for which parent is responsible
 - c. Employer or business owner letter generated for violations for which employer or business owner is responsible
 - d. Violator letter generated for violations for which named party is responsible

(All letters provide opportunity to pay ticket at issuance level amount or request hearing)
4. Payment made or administrative hearing requested
 - a. Hearing request delays any further action/notices
 - i) possible dispositions of
 - liable (full amount due)
 - liable with reduction (reduced amount due)
 - dismissed (nothing due)
5. Delinquency Notice sent in absence of payment, hearing request (or disposition of dismissed)
 - a. Penalty of \$25 added to CVN amount
 - b. Payment or hearing option still available (fifteen days to respond)
6. Notice of Intent to File in Municipal Court sent in absence of payment, hearing request (or disposition of dismissed)
 - a. Second Penalty of \$15 added to amount
 - b. Payment or hearing option still available (fifteen days to respond)
7. Code Enforcement (CE) Complaint filed in Municipal Court
 - a. Maximum fine amount of \$300 sought before Judge or Trial Commissioner
 - b. Settlement offer made for each case to avoid court appearance
 - c. Administrative hearing option no longer available
8. CE Judgment becomes a credit impediment